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MARGER JOHNSON & McCOLLOM, P.C.  
1030 SW Morrison Street  
Portland, OR 97205

EXAMINER
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KADING, JOSHUA A

ART UNIT	PAPER NUMBER
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2661

DATE MAILED: 01/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/753,360

Applicant(s)

MA, GENE

Examiner

Joshua Kading

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☒ Claim(s) 1, 8, and 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)     | Paper No(s)/Mail Date: _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Objections*

Claims 1, 8, and 12 are objected to because of the following informalities:

Claim 1, line 3; claim 8, line 4; and claim 12, line 5 state "a gatekeeper to an  
5 interactive voice..." Since this is the second time "a gatekeeper" and "an interactive  
voice" have been disclosed, it is suggested that "a gatekeeper to an interactive voice..."  
be changed to --the gatekeeper to the interactive voice...-- to avoid confusion later in  
the claim(s). Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that  
form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

15 (e) the invention was described in (1) an application for patent, published under section 122(b), by  
another filed in the United States before the invention by the applicant for patent or (2) a patent  
granted on an application for patent by another filed in the United States before the invention by the  
applicant for patent, except that an international application filed under the treaty defined in section  
20 351(a) shall have the effects for purposes of this subsection of an application filed in the United States  
only if the international application designated the United States and was published under Article 21(2)  
of such treaty in the English language.

Claims 1-3, 7-11, 14-16, 18, 19, 21, and 22 are rejected under 35 U.S.C. 102(e)  
as being anticipated by Glitho et al. (U.S. Patent 6,614,784 B1).

25 Regarding claim 1, Glitho discloses, "telecommunications apparatus between a  
voice frame network gatekeeper and an intelligent peripheral, the apparatus comprising:  
a voice frame network connection for coupling a gatekeeper to an intelligent

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peripheral (figure 7B, elements 106B and 412 B and figure 1 shows the voice network), and said connection provides supplemental services messaging between the gatekeeper and the intelligent Peripheral in accordance with a protocol (col. 9, lines 62-64), said protocol enabling the gatekeeper to selectively insert one or more messages to the intelligent peripheral and to selectively intercept one or more messages from the intelligent peripheral (figure 7B, elements 722 and 728)."

Regarding claim 7, Glitho discloses, "the apparatus of claim 1 which further comprises: a service control point operatively connected to the gatekeeper and to a database (figure 7B, elements 408, 724, and 726), said service control point providing information contained in said database to the gatekeeper in response to a query therefrom (col. 9, lines 64-col. 10, lines 1-10 where although cols. 9 and 10 describe the signals in figure 7A, they are the same signals as in figure 7B and thus the description applies to both figures)."

Regarding claim 8, Glitho discloses, "telecommunications apparatus for coordinating a voice frame network gatekeeper and an interactive voice response unit including a performance mechanism for performing a defined task responsive to the gatekeeper, the apparatus comprising: a voice frame network connection for coupling a gatekeeper to an interactive voice response unit (figure 7B, elements 106B and 412 B and figure 1 shows the voice network); an invocation mechanism within the gatekeeper for setting a defined task to the interactive voice response unit via in-band signaling (col.

9, lines 62-64); and a protocol enforcing processor that provides supplemental services messaging between the gatekeeper and the intelligent peripheral over said interface processor (col. 9, lines 62-64 where it is inherent that the terminal and gatekeeper have processors that control the units communication between one another), said enabling  
5 the gatekeeper to selectively insert one or more messages to the interactive voice response unit and to selectively intercept one or more messages from the interactive voice response unit (figure 7B, elements 722 and 728)."

Regarding claim 9, Glitho discloses, "the apparatus of claim 8, wherein said  
10 invocation mechanism and said performance mechanism comply with International ITU-T H.323 and H.450 standards (col. 5, lines 13-17 and col. 6, lines 52-54 where if the system and terminals support the H.323 and H.450 then all components must conform to the same standards for communication)."

15 Regarding claims 2 and 10, Glitho discloses the apparatus of claim 1 and the apparatus of claim 9. Glitho further discloses, "wherein said processor further enables selective insertion of one or more messages to the gatekeeper (figure 7B, elements 728 and 730)."

20 Regarding claims 3 and 11, Glitho discloses the apparatus of claim 2 and the apparatus of claim 10. Glitho further discloses, "wherein such selective insertion of one or more messages to the gatekeeper includes selective insertion of one or more release

complete (RELCOM) messages in accordance with the International ITU-T H.323 standard (figure 7B, element 730)."

Regarding claims 14, 18, and 21, Glitho discloses, "apparatus for interfacing a  
5 voice frame network gatekeeper and an interactive voice response unit (IVR) configured  
as an intelligent peripheral under the International H.450 standard with a service control  
point (SCP), the apparatus comprising: means for configuring the gatekeeper as a  
supplemental services provider (SSP) under the international H.450 standard (col. 2,  
lines 35-38 and col. 5, lines 13-17 where if the gatekeeper operates in accordance with  
10 a given standard then it must have been configured at some point in order to do so);  
means for first conveying requests from the gatekeeper to the IVR over the voice frame  
network in accordance with a defined protocol (figure 7B, element 702), said first  
conveying means including software instructions resident on a computer-readable  
medium and executable by a processor within the gatekeeper (col. 1, lines 57-col. 2,  
15 lines 1-2 where it is inherent in that all computers use software to operate and thus each  
component operates using software); means for receiving responses to requests from  
the IVR at the gatekeeper over the voice frame network in accordance with a defined  
protocol (figure 7B, element 722), said receiving means including software instructions  
resident on a computer-readable medium and executable by a processor within the  
20 gatekeeper (col. 1, lines 57-col. 2, lines 1-2 where it is inherent in that all computers use  
software to operate and thus each component operates using software); and means for  
selectively intercepting one or more messages from the IVR and for selectively inserting

one or more messages to the IVR (figure 7B, element 722), said selective-intercepting-and-inserting means including software instructions resident on a computer-readable medium and executable by a processor within the gatekeeper (col. 1, lines 57-col. 2, lines 1-2 where it is inherent in that all computers use software to  
5 operate and thus each component operates using software)."

Regarding claims 15, 19, and 22, Glitho discloses the method of claim 14, the computer program of claim 18, and the apparatus of claim 21. Glitho further discloses, "means for configuring the IVR as an intelligent peripheral under the International H.450  
10 standard (col. 2, lines 35-38 and col. 5, lines 13-17 where if the gatekeeper operates in accordance with a given standard then it must have been configured at some point in order to do so); and means for second conveying responses to requests from the IVR to the gatekeeper over the voice frame network in accordance with a defined protocol (figure 7B, element 722), said second conveying means including software instructions  
15 resident on a computer-readable medium and executable by a processor within the IVR (col. 1, lines 57-col. 2, lines 1-2 where it is inherent in that all computers use software to operate and thus each component operates using software)."

Regarding claim 16, Glitho discloses, "the method of claim 14, wherein the  
20 gatekeeper selectively inserts one or more messages to the IVR (figure 7B, elements 728 and 730)."

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

5 (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10

Claims 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glitho et al. in view of Blumhardt (U.S. Patent 5,535,263).

Regarding claim 4, Glitho discloses the apparatus of claim 1. However, Glitho  
15 lacks what Blumhardt discloses, "wherein such selective insertion of one or more messages to the gatekeeper including selectively inserting one or more send-to-resource (STR) messages in accordance with the GR-1129-CORE standard (figure 2, element 26 where the SSP can act as a gatekeeper as acknowledged by applicant in the specification, page 3, lines 1-2)." It would have been obvious to one with  
20 ordinary skill in the art at the time of invention to include the STR messages for the purpose of informing the gatekeeper that it can send further instructions for call setup. The motivation for having STR messages indicate that it is acceptable to commence with call setup is to save on network and terminal resources by not trying to setup a connection when it is not acceptable to do so.

25



Regarding claim 12, Glitho discloses, "telecommunications apparatus for coordinating a voice frame network gatekeeper and an interactive voice response unit including a performance mechanism for performing a defined task responsive to the gatekeeper, the apparatus comprising: a voice frame network connection for coupling a gatekeeper to an interactive voice response unit (figure 7B, elements 106B and 412 B and figure 1 shows the voice network); an invocation mechanism within the gatekeeper for setting a defined task to the interactive voice response unit via in-band signaling (col. 9, lines 62-64); and a protocol enforcing processor that provides supplemental services messaging between the gatekeeper and the intelligent peripheral over said interface processor (col. 9, lines 62-64 where it is inherent that the terminal and gatekeeper have processors that control the units communication between one another), said enabling the gatekeeper to selectively insert one or more messages to the interactive voice response unit and to selectively intercept one or more messages from the interactive voice response unit (figure 7B, elements 722 and 728); wherein said invocation mechanism and said performance mechanism comply with International ITU-T H.323 and H.450 standards (col. 5, lines 13-17 and col. 6, lines 52-54 where if the system and terminals support the H.323 and H.450 then all components must conform to the same standards for communication), said processor further enables selective insertion of one or more messages to the gatekeeper (figure 7B, elements 728 and 730), and such selective insertion of one or more messages to the gatekeeper includes selective insertion of one or more release complete (RELCOM) messages in accordance with the International ITU-T H.323 standard (figure 7B, element 730)..."

However, Glitho lacks what Blumhardt discloses, "such selective insertion of one or more messages to the gatekeeper including selectively inserting one or more send-to-resource (STR) messages in accordance with the GR-1129-CORE standard (figure 2, element 26 where the SSP can act as a gatekeeper as acknowledged by applicant in the specification, page 3, lines 1-2)."

It would have been obvious to one with ordinary skill in the art at the time of invention to include the STR messages for the purpose of informing the gatekeeper that it can send further instructions for call setup. The motivation for having STR messages indicate that it is acceptable to commence with call setup is to save on network and terminal resources by not trying to setup a connection when it is not acceptable to do so.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glitho et al. in view of "Call signalling protocols and media stream packetization for packet-based multimedia communication systems" (herein referred to as H.225).

Regarding claim 5, Glitho discloses the apparatus of claim 1. However, Glitho lacks what H.225 discloses "wherein such selective interception includes selective interception of one or more facility (FACILITY) messages in accordance with the International ITU-T H.323 standard (page 47, section 7.4.1 where the routing information provided to the gatekeeper in Glitho is a FACILITY message as it defines where the message is going)." It would have been obvious to one with ordinary skill in

the art at the time of invention to include the FACILITY message with the apparatus of claim 1 for the purpose of providing information on where a call (message) should be directed. The motivation being that the routing information must be known in order to complete and maintain a call.

5

Regarding claim 6, Glitho and H.225 disclose the apparatus of claim 5. However, Glitho lacks what H.225 further discloses, "wherein at least one of the one or more FACILITY messages includes a return results (RETURN RESULTS) component (page 47, section 7.4.1 where the routing information provided to the gatekeeper in Baxley is a FACILITY message as it defines where the message is going, since the routing information is provided to the gatekeeper as in Glitho, it is considered a response or RETURN RESULTS component of a FACILITY message as defined by applicant in the specification, page 6, lines 4-12)." It would have been obvious to one with ordinary skill in the art at the time of invention to include the RETURN RESULTS message with the apparatus of claim 5 for the same reasons and motivation as in claim 5.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Glitho et al. and Blumhardt as applied to claim 12 above, and further in view of "Call signalling protocols and media stream packetization for packet-based multimedia communication systems" (herein referred to as H.225).

Regarding claim 13, Glitho and Blumhardt disclose the apparatus of claim 12. However, Glitho and Blumhardt lack what H.225 discloses "wherein such selective

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interception includes selective interception of one or more facility (FACILITY) messages in accordance with the International ITU-T H.323 standard (page 47, section 7.4.1 where the routing information provided to the gatekeeper in Glitho is a FACILITY message as it defines where the message is going).” It would have been obvious to one  
5 with ordinary skill in the art at the time of invention to include the FACILITY message with the apparatus of claim 12 for the purpose of providing information on where a call (message) should be directed. The motivation being that the routing information must be known in order to complete and maintain a call.

10 Claims 17, 20, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glitho et al. in view of Blumhardt, and in further view of “Call signalling protocols and media stream packetization for packet-based multimedia communication systems” (herein referred to as H.225).

Regarding claims 17, 20, and 23, Glitho discloses “apparatus for interfacing a  
15 voice frame network gatekeeper and an interactive voice response unit (IVR) configured as an intelligent peripheral under the International H.450 standard with a service control point (SCP), the apparatus comprising: means for configuring the gatekeeper as a supplemental services provider (SSP) under the international H.450 standard (col. 2, lines 35-38 and col. 5, lines 13-17 where if the gatekeeper operates in accordance with  
20 a given standard then it must have been configured at some point in order to do so); means for first conveying requests from the gatekeeper to the IVR over the voice frame network in accordance with a defined protocol (figure 7B, element 702), said first

conveying means including software instructions resident on a computer-readable medium and executable by a processor within the gatekeeper (col. 1, lines 57-col. 2, lines 1-2 where it is inherent in that all computers use software to operate and thus each component operates using software); means for receiving responses to requests from the IVR at the gatekeeper over the voice frame network in accordance with a defined protocol (figure 7B, element 722), said receiving means including software instructions resident on a computer-readable medium and executable by a processor within the gatekeeper (col. 1, lines 57-col. 2, lines 1-2 where it is inherent in that all computers use software to operate and thus each component operates using software); and means for selectively intercepting one or more messages from the IVR and for selectively inserting one or more messages to the IVR (figure 7B, element 722), said selective-intercepting-and-inserting means including software instructions resident on a computer-readable medium and executable by a processor within the gatekeeper (col. 1, lines 57-col. 2, lines 1-2 where it is inherent in that all computers use software to operate and thus each component operates using software)..."

However, Glitho lacks what Blumhardt discloses, "wherein said means for selectively inserting includes means for selectively inserting one or more send-to-resource (STR) messages in accordance with the GIL- 1129-CORE standard (figure 2, element 26 where the SSP can act as a gatekeeper as acknowledged by applicant in the specification, page 3, lines 1-2)." It would have been obvious to one with ordinary skill in the art at the time of invention to include the STR messages for the purpose of informing the gatekeeper that it can send further instructions for call setup.

The motivation for having STR messages indicate that it is acceptable to commence with call setup is to save on network and terminal resources by not trying to setup a connection when it is not acceptable to do so.

Glitho and Blumhardt however, further lack what H.225 discloses, "wherein said  
5 means for selectively intercepting includes means for selectively intercepting one or more facility (FACILITY) messages in accordance with the International ITU-T H.323 standard (page 47, section 7.4.1 where the routing information provided to the gatekeeper in Glitho is a FACILITY message as it defines where the message is going)." It would have been obvious to one with ordinary skill in the art at the time of  
10 invention to include the FACILITY message for the purpose of providing information on where a call (message) should be directed. The motivation being that the routing information must be known in order to complete and maintain a call.

### ***Response to Arguments***

15 Applicant's arguments, see REMARKS, page 9, filed 9 August 2004, with respect to the Claim Objections have been fully considered and are persuasive. The objections of claims 1 and 2 have been withdrawn. However, it should be noted that claim 1 has a new grounds of objection as noted above.

20 Applicant's arguments, see REMARKS, page 9, filed 9 August 2004, with respect to the Claim Rejections under 35 U.S.C. 112 second paragraph have been fully

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considered and are persuasive. The 35 U.S.C. 112 second paragraph rejection of claim 4 has been withdrawn.

Applicant's arguments, see REMARKS, page 10, paragraphs 2 and 6 and page 5 11, paragraph 1 filed 9 August 2004, with respect to the rejection(s) of claim(s) 1, 2, 3, 5, 6, 7, 8, 9, 10, 14-16, 18, and 21 under 35 U.S.C. 102(e) (claims 1, 2, and 9) and 35 U.S.C. 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of a better understanding of applicant's invention and newly found prior 10 art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Kading whose telephone number is (571) 272-3070. The examiner can normally be reached on M-F: 8:30AM-5PM.

15 If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Vanderpuye can be reached on (571) 272-3078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

- 5 For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Joshua Kading  
Examiner  
Art Unit 2661

10 December 30, 2004



KENNETH VANDERPUYE  
PRIMARY EXAMINER